

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCIS MCCONVILLE and
VIRGILIO RABUCO,

No. C 06-5151 WDB

Plaintiffs,

ORDER CONTINUING HEARING ON
PLAINTIFFS' MOTION TO REMAND

v.

GUIDANT CORPORATION, et al.

Defendants.

On September 5, 2006, Plaintiffs filed a Motion to Remand to be heard on Wednesday, October 18, 2006. On September 11, 2006, however, the Court received a letter from the Judicial Panel on Multidistrict Litigation ("MDL panel") with notification that this action was subject to a conditional transfer order and, unless a party opposed the transfer within fifteen days, the matter would be transferred to the Honorable Donovan W. Frank in the United States District Court for the District on Minnesota. Indeed, a party did oppose the transfer and, accordingly, on September 25, 2006, the Court received another letter from the MDL panel notifying the Court that an opposition had been filed, and that this Court retained jurisdiction of the action until any transfer ruling became effective.

Given the pending opposition on the conditional transfer order, and in the interest of uniformity of decisions in similar actions, the Court now VACATES AND CONTINUES the October 18, 2006, hearing on Plaintiffs' Motion to Remand. Within five court days after the

1 MDL panel rules on whether this action will be transferred, counsel for Plaintiffs must **file**
2 a notice of the MDL panel's decision. Once the Court is notified of the ruling, and should
3 the MDL panel decide that the action will *not* be transferred, the Court promptly will set a
4 new date to hear Plaintiff's Motion.

5 IT IS SO ORDERED.

6 Dated: September 28, 2006

7 */s/ Wayne D. Brazil*

8 WAYNE D. BRAZIL
9 United States Magistrate Judge

10 Copies to:

11 All parties,
12 WDB, Stats
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